

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF INDIANA

PACIFIC EMPLOYERS INSURANCE  
CO.,

*Plaintiff,*

vs.

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC. and CLEAN HARBORS,  
INC.,

*Defendant and Third-Party  
Plaintiff,*

vs.

NATIONAL UNION FIRE INSURANCE  
CO. OF PITTSBURGH, PA.,

*Third Party Defendant.*

CIVIL ACTION NO.

2 10 MC 04

**NOTICE OF PENDING DISCOVERY ACTION**

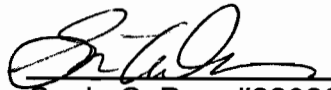
National Union Fire Insurance Company of Pittsburgh, PA ("National Union") is a Third-Party Defendant in a matter styled *Pacific Employers Insurance Co. v. Clean Harbors Environmental Services, Inc., et al*, currently pending in the U.S. District Court for the Northern District of Illinois, Eastern Division, and bearing Cause No. 08-cv-2180. In connection with that proceeding, National Union issued a Notice of Deposition by Subpoena (see Exhibit A) for the deposition of Ron Casaday to take place in Dyer, Indiana on January 29, 2010. The deposition was properly noticed and a subpoena

issued by counsel for National Union pursuant to FED. R. Civ. P. 45(a)(3) (see Exhibit A).

Before Mr. Casady's deposition could proceed, Judge John W. Darrah of the U.S. District Court for the Northern District of Illinois, Eastern Division, issued an order staying the deposition pending further order of that Court. (see Exhibit B). One provision of the Order requires National Union to notify this Court of the existence of the stay of deposition order. (see Exhibit B). Accordingly, National Union has filed this matter as a miscellaneous proceeding to comply with Judge Darrah's Order and to provide a mechanism for enforcement of the subpoena, if necessary, once the stay order is lifted. National Union anticipates filing a notice that the stay order has been lifted in due course.

1/26/10  
Date

Respectfully submitted:



Sonia C. Das, #22326-53

LEWIS WAGNER, LLP

501 Indiana Avenue, Suite 200

Indianapolis, IN 46202-3199

Telephone: (317) 237-0500

Facsimile: (317) 630-2790

E-Mail: [sdas@lewiswagner.com](mailto:sdas@lewiswagner.com)

Attorneys for National Union Fire Insurance

Company of Pittsburgh, PA

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Notice of Pending Discovery Action has been served on all known counsel of record via First Class, United States Mail, on this, the 26th day of January, 2010.

Matthew T. Walsh COZEN O'CONNOR 222 South Riverside Plaza Suite 1500 Chicago, IL 60606 (312) 382-3100 mwalsh@cozen.com <i>Counsel for Pacific Employers Insurance Co.</i>	John Francis Kennedy SHEFSKY & FROELICH 111 East Wacker Drive Suite 2800 Chicago, IL 60601 (312)527-4000 jkennedy@shefskylaw.com <i>Counsel for Clean Harbors Environmental Services, Inc.</i>
Daniel Saeedi SHEFSKY & FROELICH 111 East Wacker Drive Suite 2800 Chicago, IL 60601 (312)527-4000 dsaeedi@shefskylaw.com <i>Counsel for Clean Harbors Environmental Services, Inc.; Clean Harbors, Inc.</i>	Cary E. Donham SHEFSKY & FROELICH 111 East Wacker Drive Suite 2800 Chicago, IL 60601 (312)527-4000 cdonham@shefskylaw.com <i>Counsel for Clean Harbors Environmental Services, Inc.; Clean Harbors, Inc.</i>
Kathleen A. Johnson CLAUSEN MILLER, P.C. 10 South LaSalle Street Chicago, IL 60603 (312) 855-1010 kjohnson@clausen.com <i>Counsel for National Union</i>	

  
Sonia C. Das